

Message

From: McDavit, Michael W. [Mcdavit.Michael@epa.gov]
Sent: 3/27/2019 1:48:43 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
CC: Frazer, Brian [Frazer.Brian@epa.gov]
Subject: FW: weekly update 404(g)

Highlights from Kathy. Please note the legislative activity in Florida.

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP) For lack of time, I have not edited these this week. I'm sorry.

From: Hurl, Kathy
Sent: Wednesday, March 27, 2019 9:40 AM
To: McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: weekly update 404(g)

Rulemaking:

- Meeting request for partial assumption whiteboard session with Dave Ross sent forward.
- May 3, 2019 - Hoping to meet at staff level with Army and USACE regarding operationalizing the FACA recommendations on assumable waters. Will be coordinating with OGC. Targeting April 29 or May 3rd when Pat Field will be in town to facilitate.
- Staff still working on issues and options papers. Moved option selection to June 4th; proposal still set for 3/2020.

FL:

- FDEP staff are still awaiting direction from the Governor on proposing their regulatory rules for comment.
- FYI - FL legislature is poised to pass a Memorial urging the US Congress to direct EPA to issue an MOA so FL may complete assumption of the 404(g) program. This is just an 'urging,' has no substantive consequences for EPA. <https://www.flsenate.gov/Session/Bill/2019/799/BillText/Filed/PDF>
 - Status: The FL Senate has signed this and it is on the FL House committee agenda for 3/26/19.
 - **Ex. 5 Deliberative Process (DP)**
 - Copies to be sent to Speaker of the House, President of the Senate, and POTUS.
 - The Memorial states that without this MOA being issued, critical restoration activities, including projects under the Comprehensive Everglades Restoration Plan continue to be delayed. KH note: **Ex. 5 Deliberative Process (DP)**

Ex. 5 Deliberative Process (DP)

Menominee lawsuit:

- Latest brief to dismiss sent to DOJ and filed. KH sent comments forward to OWOW management last week. Never heard back.

MI:

- Legislation – background on two Acts passed in January 2019 sent forward. This also included:
 - Process to approved revisions to state programs
 - Other Acts passed by MI which EPA has not been asked to review or approve.
 - Status of 1997 petition to withdraw Michigan's program
 - Issue regarding Corps retention of adjacent wetlands in MI.

No status update on other states or tribes at this time.

Kathy Hurl

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